

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

STATE OF NEW MEXICO, ex rel.)	
State Engineer,)	No. 69 CV 07941 KWR/KK
)	
Plaintiff,)	Rio Chama Adjudication
)	
v.)	
)	
ROMAN ARAGON, et al.,)	
)	
Defendants.)	
_____)	

JOINT STATUS REPORT

Pursuant to this Court’s Order of June 20, 2023 (Document 11644), the undersigned Parties submit this Joint Status Report regarding negotiations to resolve the water rights claims of Ohkay Owingeh in the above-captioned case (*Aragon*).

1. Progress in Settlement Negotiations

As previously reported, the undersigned Parties, other than the United States, have reached agreement on the settlement of Ohkay Owingeh’s water rights claims, and the water rights claims of the United States on behalf of Ohkay Owingeh, in *Aragon*. Since the last status report, the Settlement Parties have focused on finalizing a settlement agreement that captures the understandings of the Settlement Parties and the terms and conditions of the settlement. Through virtual meetings led by two professional mediators, and numerous side-bar conversations, that process has been completed. Moreover, the governing bodies or responsible officials of the Settlement Parties have approved the final language of the settlement agreement, and the principals have executed it.

Ohkay Owingeh and the State of New Mexico have drafted federal legislation to implement the *Aragon* settlement and to authorize the Secretary of the Interior to sign the agreement on behalf of the United States. The Settlement Parties, except the United States, have approved that draft. The Federal Negotiation Team at the staff level has reviewed the draft federal legislation and Ohkay Owingeh is considering those proposed changes now. Congressional staff has been briefed about the progress in reaching a settlement and the plans to introduce the legislation in Congress.

2. Scheduling of Dispositive Motions

The undersigned Parties continue to believe that the resumption of litigation would hamper their efforts to implement the settlement and to obtain enactment of federal settlement legislation. The undersigned Parties are committed to taking the steps necessary to satisfy the conditions necessary to make the settlement agreement enforceable. Therefore, they do not anticipate the need for this Court to schedule the filing and briefing of dispositive motions.

3. Rescheduling the Trial

Because Ohkay Owingeh's claims in *Aragon* have been settled, and the Settlement Parties are working together to implement that settlement, and to obtain congressional approval, the undersigned Parties do not believe that the trial of Ohkay Owingeh's water rights claims in this *Aragon* Subproceeding should be scheduled at this time.

4. Expectations on Timing of Settlement

Settlement of the claims of Ohkay Owingeh and the United States in *Aragon* has been achieved in the form of a settlement agreement that has been executed by the principals. Introduction of federal settlement legislation is expected in the coming months. The timing of congressional action is difficult to predict, but the goal is final passage in the current session of

Congress. Upon enactment of the federal legislation, the Settlement Parties will revise the settlement agreement to conform to any changes Congress makes. Then, the Settlement Parties will ask this Court to adopt a procedure for notice to parties in the Rio Chama Stream System of this settlement agreement and a proposed partial final judgment and decree adjudicating Ohkay Owingeh's water rights, an opportunity to object, and for a hearing to consider any objections. Following that process, the Settlement Parties will request this Court to enter a Partial Final Judgment and Decree.

5. Other Matters

The undersigned Parties suggest that the Court require the filing of a joint status report six months from now, on June 10, 2024, at which time they will report to the Court on their progress and on the question of whether dispositive motions should be scheduled, or litigation should otherwise resume.

Dated: December 8, 2023

Respectfully submitted,

/s/ Curtis G. Berkey

Attorneys for Ohkay Owingeh

Curtis G. Berkey (CA State Bar No. 195485)

Scott W. Williams (CA State Bar No. 97966)

Berkey Williams LLP

430 D Street

Davis, California 95616

cberkey@berkeywilliams.com

swilliams@berkeywilliams.com

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Attorneys for the United States

/s/ Charmayne Staloff

Charmayne Staloff
U.S. Department of Justice
P.O. Box 7611, Ben Franklin Station
Washington, DC 20044-7611
Charmayne.staloff@usdoj.gov
Bradley Bridgewater
U.S. Department of Justice
South Terrace, Suite 370
999 18th Street
Denver, CO 80202
Bradley.S.Bridgewater@usdoj.gov

Attorney for State of New Mexico

/s/ Kelly Brooks Smith

Kelly Brooks Smith
Patricia Estrella
Special Assistant Attorneys General
New Mexico Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504
kelly.smith@ose.nm.gov
Patricia.estrella@ose.nm.gov

Attorneys for Rio Chama Acéquia Association

/s/ Seth R. Fullerton

Seth R. Fullerton
Katz Herdman MacGillivray & Fullerton PC
P. O. Box 250
Santa Fe, NM 87504-0250
srf@santafelawgroup.com

Attorneys for El Rito Ditch Asociación and its acéquia members and La Asociación de las Asociación de las Acéquias del Rio Tusas, Vallecitos y Ojo Caliente and its member acéquias

/s/ Mary E. Humphrey

Mary E. Humphrey
Humphrey & Odé, PC
P. O. Box 1574
El Prado, NM 87529
humphrey@newmex.com

Attorneys for Asociación de Acéquias Norteñas de Rio Arriba

/s/ John W. Utton

John W. Utton
Utton & Kery, PA
675 Alto Street
Santa Fe, NM 87501
john@uttonkery.com

Attorneys for City of Española

/s/ Jay Stein

Jay Stein
Stein & Brockmann, PA
P.O. Box 2067
Santa Fe, NM 87504-2067
jfstein@newmexicowaterlaw.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 8th day of December, 2023, I filed the foregoing electronically through the CM/ECF system, which caused the Parties listed on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail.

/s/ Curtis G. Berkey

Curtis G. Berkey